
**State Government & Tribal
Affairs Committee**

HJR 4218

Brief Description: Requiring a sixty percent vote for emergency clauses.

Sponsors: Representatives Bailey, Alexander, Curtis, Buri, Hinkle, Ericks, Chandler, Dunn, Priest, Sump, Anderson, Haler, Kristiansen, Ahern, McCune and Kretz.

Brief Summary of Bill

- Amends the Constitution to require that certain bills, acts, or laws containing an emergency clause are subject to referendum if passed with less than a 60 percent affirmative vote by both houses of the Legislature.

Hearing Date: 2/27/07

Staff: Marsha Reilly (786-7135).

Background:

The State Constitution allows that a referendum may be ordered on any act, bill, or law passed by the legislature, except those laws necessary for the "immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." Commonly referred to as an "emergency clause," the courts have held that this language describes two separate and distinct categories of acts not subject to referendum. The first relates to the immediate preservation of the public peace, health, or safety, and the other for the support of the state government and its existing public institutions.

Summary of Bill:

Language in the Constitution is changed to require that bills, acts, or laws containing an emergency clause, except for the operating, capital, and transportation budget bills, must receive an affirmative vote of 60 percent of the members of each house of the legislature to be exempted from referendum. If the joint resolution is approved by the Legislature, the constitutional amendment will be placed on the November general election ballot for approval by the people.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.